

REMARKS

Claims 1-14 remain pending in the application.

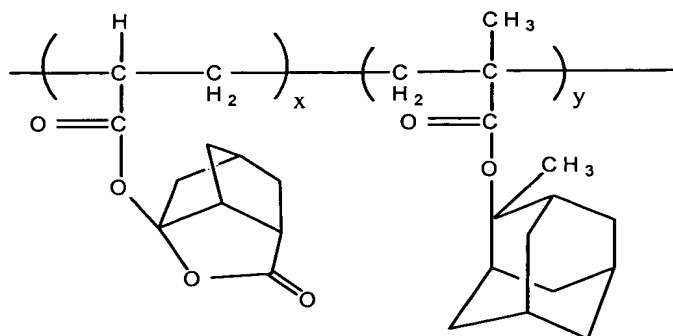
Claims 1-14 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0009668 A1 to Nishimura et al. (hereinafter referred to as “Nishimura”). This rejection is respectfully traversed.

Nishimura is based on a U.S. Patent application filed on June 14, 2001. However, the present application claims priority to Japanese Patent Application JP10005/2001, filed on January 18, 2001. Since this JP priority document antedates the filing date of the application on which Nishimura is based, the submission of a certified English translation of this Japanese priority document removes Nishimura as a reference. Submitted herewith is a certified English translation of the JP10005/2001 priority document. Accordingly, it is respectfully submitted that this rejection has been overcome. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Claims 1-11 and 14 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Application Publication No. US 2001/0026901 A1 to Maeda et al. (hereinafter referred to as “Maeda”) in view of U.S. Patent No. 6,187,504 B1 to Suwa et al. (hereinafter referred to as “Suwa”). In addition, Claim 12 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Maeda in view of Suwa as applied to claims 1-11 and 14 above, and further in view of U.S. Patent No. 6,045,970 A to Choi (hereinafter referred to as “Choi”). Furthermore, Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Maeda in view of Suwa as applied to Claims 1-11 and 14 above, and further in view of U.S. Patent No. 6,093,517 A to Ito (hereinafter referred to as “Ito”). Each of these rejections is respectfully traversed.

Each of the aforementioned rejections relies upon the combination of Maeda and Suwa.

According to the Official Action, Maeda teaches a polymer having the following structure:



¶¶ 68-69 of Maeda. As acknowledged in the Official Action, however, Maeda fails to disclose a photoacid generator of the formula (3). In order to remedy this acknowledged deficiency of Maeda, the Official Action relies upon Suwa which apparently discloses photoacid generators of the claimed type.

However, the specification contains evidence of non-obviousness which distinguishes the claimed invention from the references cited in the Official Action. Namely, Table 3 on Page 67 of the Specification illustrates that photoresist compositions encompassed by Claim 1 (*i.e.*, Examples 1 - 12, pg. 67 of the Specification) exhibit high radiation transmittance at 193 nm (*i.e.*, 67 % or more), high sensitivity and high resolution (*i.e.*, 15 μm or less) while also exhibiting superior dry etching resistance and good pattern configuration when compared to photoresist compositions which are outside of the scope of the claimed invention. For example, the photoresist composition of Comparative Example 1 exhibited a radiation transmittance at 193 nm of 61 % and achieved resolutions of only 0.18 μm whereas the photoresist compositions of Examples 1-12 achieved resolutions of 0.15 μm or less and exhibited radiation transmittance at 193 nm of 67 % or more. In addition, the photoresist compositions described by Maeda and Suwa, which are also outside of the scope of the invention as defined by Claim 1, exhibited

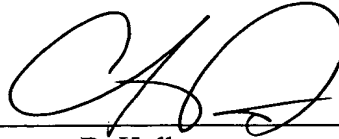
resolutions of 0.19 and 0.20 μm (See Table 9 of Maeda) and 0.18 μm or more (See Table 2 of Suwa), respectively, whereas the photoresist compositions of Examples 1-12 of the Specification exhibited resolutions of 0.14 to 0.15 μm (pg. 67 of the Specification). According to §716.01(a) of the MPEP, the Examiner must consider comparative data in the Specification intended to illustrate the claimed invention in reaching a conclusion with regard to the obviousness of the claims. It is respectfully submitted that the above described evidence of non-obviousness in the specification distinguishes the claimed invention from the references cited in the Official Action and that Claims 1-14 are therefore patentable over these references. In view of the above, reconsideration and withdrawal of the aforementioned rejections is respectfully requested.

CONCLUSION

All rejections having been addressed by the present amendments and response, Applicants believe that the present case is in condition for allowance and respectfully request early notice to that effect. If, however, any issues remain to be addressed in this matter which might be resolved by discussion, the Examiner is respectfully requested to call Applicants' undersigned counsel at the number indicated below.

Respectfully submitted,

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